

## REMARKS/ARGUMENTS

Rejection of claims 1-2, 4, 6-7, 13-14, and 47 under 35 U.S.C § 102(b) as being anticipated by WO 91/04918 (Poklukur)

Applicant respectfully requests reconsideration of the rejection of claims 1-2, 4, 6-7, 13-14, and 47 under 35 U.S.C § 102(b) as being anticipated by Poklukur.

*Claim 1 includes the following limitations:*

A method of forming a bag, the method including:

- a) providing an elongate tubular member having opposed ends, at least one end of which defines an open mouth;
- b) folding opposed portions of the tubular member to extend at least partially across the mouth;
- c) positioning a panel to extend across the opposed portions; and
- d) securing the panel and the opposed portions together thereby to form a base of the bag to close the mouth at the at least one end of the tubular member.

(Claim 1, labeled and underlined for ease of reference and emphasis, respectively)

Poklukur does not disclose a method of forming a bag. Instead, Poklukur discloses a method of forming a “bag handle”. For confirmation, the examiner is respectfully referred to the section entitled “disclosure of invention” in Poklukur.

Poklukur describes a handle 10 which includes a bridge member 14 comprising elongated portions 15 and 16, respectively. An underside of the elongated portion 16 can be attached to top flaps 13a (also 117), 13b (also 118) of a bag 13 using adhesive. Attaching the bridge member 14 (114) to the flaps 13a (117) and 13b (118) does not form a base of a bag.

Moreover, applicant respectfully submits that it is improper for the examiner to interpret that the “folder opposed end and the panel (114) forms the base of the bag”. Quite clearly, the drawings of Poklukur show a handle being attached to a top of a bag. In this regard, the examiner is referred to Figure 2 of Poklukur where it is quite clear that the flaps 13a, 13b form a cover over

contents placed in the bag. If it were otherwise, and the flaps 13a, and 13b formed a base of the bag, as argued by the Examiner, then the handle 10 would attach to a base of a bag meaning that the bag would be carried upside down. Moreover the contents of the bag would then fall through the flaps 13a, and 13b, which would not make a very good bag.

At any event, Poklukur clearly discloses that the handle 10 is attached to the top of the bag. e.g. see Poklukur, page 10 lines 10-15 where it is stated that " the length of the bridge elongated portion should normally equal the length of the top surface of the container to which the handle is attached, and the attachment panels should extend down the side walls of the container.

In view of the foregoing, it is respectfully submitted that Poklukur does not disclose the emphasized limitations of independent claim 1.

Accordingly, the Examiner is respectfully requested to reconsider the rejection of claim 1, and its dependent claims 2, 4, 6-7, 13-14.

Rejection of claims 3 and 5 under 35 U.S.C § 103(a) as being unpatentable over WO 91/04918 (Poklukur) in view of US patent no. 4877337 (Wood)

Dependent claims 3 and 5 depend from, and include all the limitations of independent claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 3 and 5 and requests withdrawal of the rejection.

Rejection of claims 8-12, 15-19, and 35-40 under 35 U.S.C § 103(a) as being unpatentable over WO 91/04918 (Poklukur) in view of US patent no. 4691368 (Rossiger)

Dependent claims 8-12 and 15-19 depend from, and include all the limitations of independent claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 8-12 and 15-19 and requests withdrawal of the rejection.

Independent claim 35 includes limitations similar in scope to the limitations of claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of independent claim 35 and requests withdrawal of the rejection.

Dependent claims 36-40 depend from, and include all the limitations of independent claim 35, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 36-40 and requests withdrawal of the rejection.

#### Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 503437.

Respectfully submitted,  
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